

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 24-CR-20155-RAR

UNITED STATES OF AMERICA

vs.

**ENRIQUE PEREZ-PARIS,
DIEGO SANUDO SANCHEZ CHOCRON,
GREGORY CHARLES MILO CASKEY,
OMAR PALACIOS, and
NADIR PEREZ**

Defendants.

/

**GOVERNMENT'S NOTICE OF AUTHORITY REGARDING DEFENDANT DIEGO
SANUDO SANCHEZ CHOCRON'S PRIVILEGE WAIVER**

The United States of America, by and through undersigned counsel, hereby files this notice of authority regarding Defendant Sanchez's privilege waiver. Generally, a privilege waiver extends to all communications and information concerning the subject matter. Fed. R. Evid. 502(a). The following authority provides that Defendant Sanchez's waiver applies to all advice over which he is waiving, not just a specific attorney:

- *United States v. Jensen*, 573 F. App'x 863, 870 (11th Cir. 2014) ("By claiming that [he] lacked intent to defraud because attorneys told him that [the disputed] transactions were legal, [defendant] waived the attorney-client privilege with respect to communications with counsel concerning [their] legality.").
- *Cox v. Administrator United States Steel & Carnegie*, 17 F.3d 1386, 1417 (11th Cir. 1994) ("A defendant may not use the privilege to prejudice his opponent's case or to disclose some selected communications for self-serving purposes.") (internal quotation marks omitted) (quoting *United States v. Bilzerian*, 926 F.2d 1285, 1292 (2d Cir. 1991)).
- [ECF No. 799], *United States v. Carver et al.*, No. 22-cr-80022 (S.D. Fla.) (Aug. 31, 2023) (adopting report and recommendation and holding that "a waiver associated with the advice-of-counsel defense

applies solely to the *attorneys* relied upon, or more broadly to the *subject matter of the advice* relied upon.”) (Exhibit A).

- *United States v. Bachynsky*, No. 04-20250-CR, 2007 WL 1521499, at *2 (S.D. Fla. May 22, 2007) (“When a party asserts an advice of counsel defense, the party waives the attorney-client privilege as to the subject matter of that advice.”).

Respectfully submitted,

HAYDEN O’BYRNE
UNITED STATES ATTORNEY

GLENN S. LEON, CHIEF
U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION, FRAUD SECTION

By: /s/ Reginald Cuyler Jr.
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CERTIFICATE OF SERVICE

I hereby certify that, on March 5, 2025, I served and filed the forgoing document with the

Clerk of the Court via ECF.

By: /s/ Reginald Cuyler Jr.
Reginald Cuyler Jr.
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